



THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112

RESOLUTION NO. 2019-39

PAIUTE INDIAN TRIBE OF UTAH TRIBAL COUNCIL RESOLUTION TO SET HEARING FOR CORRINA BOW

WHEREAS, the Paiute Indian Tribe of Utah (“Tribe”) is a federally recognized Indian tribe under 25 U.S.C. § 761, et seq., organized under the Tribe’s Constitution, as ratified by the Tribe on June 11, 1991, and approved by the Secretary of the Interior on July 15, 1991, and amended by the Tribe on August 12, 1997, and approved by the Secretary of the Interior on September 30, 1997, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, pursuant to Article IV and Article V of the Constitution of the Paiute Indian Tribe of Utah, the Tribal Council is the official governing body of the Tribe; and

WHEREAS, pursuant to Article V, Section 1 of the Constitution of the Paiute Indian Tribe of Utah, the Tribal Council is vested with all executive and legislative powers of the Tribe; and

WHEREAS, pursuant to its inherent sovereignty as an Indian Tribe and Article V, Section 1 of the Constitution of the Paiute Indian Tribe of Utah, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and,

WHEREAS, Paiute Indian Tribe of Utah Ordinance 2009-1 Section 6 entitled “Tribal Council Standards of Conduct” provides for standards of conduct to which the Tribal Council must conform; and

WHEREAS, the Tribal Council Standards of Conduct Section 6 “Procedure to Investigate Tribal Council Members” provides that the Tribal Council may waive an investigation of violations of the Standards of Conduct by Tribal Council members; and

WHEREAS, the Tribal Council has received a complaint against Tribal Council Member Corrina Bow, attached to this Resolution as Exhibit A; and

WHEREAS, the Tribal Council met in executive session on April 16, 2019 and reviewed the complaint against Corrina Bow.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council by this Resolution has determined that the allegations within the complaint fall within the scope of the Tribal Council Standards of Conduct Ordinance, and that, if those alleged facts are true, they would support a determination of unethical and / or improper conduct; and

BE IT FURTHER RESOLVED that the Tribal Council hereby waives the investigation of Corrina Bow pursuant to the Standards of Conduct Section 6(B)(5); and

BE IT FURTHER RESOLVED, this Tribal Council will meet on May 1, 2019 in [open meeting or executive session] to hear the charges against Corrina Bow and reach a final determination on the allegations and decide by motion what sanction to impose.

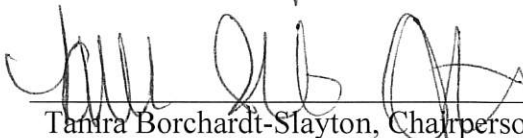
CERTIFICATION

I hereby certify that the foregoing Resolution was fully considered by the Tribal Council at a duly called meeting in Cedar City, Utah, at which a quorum was present and that the same was passed by a vote of 2 in favor, 0 opposed, 2 abstained, and 1 absent this 1st day of May, 2019.

ATTEST:



Carol Garcia, Tribal Council Secretary



Tamra Borchardt-Slayton, Chairperson

The Paiute Indian Tribe of Utah
440 N Paiute Drive
Cedar City, UT 84721

THE PAIUTE INDIAN TRIBE OF UTAH
TRIBAL COUNCIL

Complainant,

vs.

CORRINA BOW,
Tribal Council Vice-Chairperson
Tribal Council Member

Respondent

COMPLAINT FOR REMOVAL

Case No.: 2019-39

Judge: Judge Reynolds

COMPLAINT FOR REMOVAL

The PAIUTE INDIAN TRIBE OF UTAH TRIBAL COUNCIL brings this action under the Paiute Indian Tribe of Utah Constitution, Tribal Council Standards of Conduct, ORDINANCE 2009-01, Tribal Council Rules of Procedure, The Paiute Indian Tribe of Utah Confidentiality Agreement, and The Paiute Indian Tribe of Utah Ethics Ordinance. The Tribal Council brings this matter because the Respondent has continued to violate Tribal Laws that are enacted to ensure the Respondent acts within their duty of loyalty and good faith as a Tribal Council Member.

PARTIES, JURISDICTION, AND VENUE

1. Complainant, the PAIUTE INDIAN TRIBE OF UTAH is a federally recognized tribe. Complainant's reservation is located in Iron County, Utah.
 2. The Respondent, CORRINA BOW, is the Paiute Indian Tribe of Utah Vice-Chairperson and Council Member. The Kanosh Band of Paiutes is one of the federally recognized bands comprising the Paiute Indian Tribe of Utah, a federally recognized tribe.
 3. This complaint is brought against Respondent in their official capacity, and for official actions taken, as the governing body of the Paiute Indian Tribe of Utah, and not in their personal capacity.
 4. The incidents, acts, and omissions giving rise to this Complaint occurred in Iron County, Utah.
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5. The Tribal Council has jurisdiction over the parties and the subject matter hereof and venue is proper.

GENERAL ALLEGATIONS

1. The Paiute Indian Tribe of Utah ("PITU") is a federally recognized tribe with federal trust lands located in Iron, Kanosh, Beaver, Sevier, and Washington counties. The Koosharem, Kanosh, Indian Peaks, and Shivwits federal status was terminated in 1954, and the Paiute people lost a majority of their land base and suffered dire socioeconomic conditions. In 1980, the United States Congress passed legislation that restored the PITU's status as a federally recognized tribe. The PITU administrative office is located in Cedar City, Utah. The current PITU governing body is the PITU Tribal Council.

2. The Paiute Indian Tribe of Utah (“Tribe”) is a federally recognized Indian tribe under 25 U.S.C. § 761, *et seq.*, organized under the Tribe’s Constitution, as ratified by the Tribe on June 11, 1991, and approved by the Secretary of the Interior on July 15, 1991, and amended by the Tribe on August 12, 1997, and approved by the Secretary of the Interior on September 30, 1997, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).
3. Pursuant to Article IV and Article V of the Constitution of the Paiute Indian Tribe of Utah, the Tribal Council is the official governing body of the Tribe and is vested with all executive and legislative powers of the Tribe.
4. The Tribal Council Rules of Procedure was adopted by previous tribal councils and utilized by the current Tribal Council, with amendments taking place on September 12, 2018 by majority vote.
5. The Paiute Indian Tribe of Utah Tribal Council Standards of Conduct was passed by Ordinance 2009-01, by majority vote on June 3, 2009.
6. The Paiute Indian Tribe of Utah Ethics Ordinance was approved May 5, 1984 and last amended April 5, 2004, by majority vote.
7. The Paiute Indian Tribe of Utah Confidentiality Agreement is a standard agreement that has been adopted by previous Tribal Councils and utilized by this current Tribal Council.
8. The Paiute Indian Tribe of Utah Election Ordinance was passed on May 5, 2015 by majority vote of the Tribal Council.

FIRST CAUSE OF ACTION
Willful Misconduct
Tribal Council Standards of Conduct

The Paiute Indian Tribe of Utah Constitution
Election Ordinance
The Confidentiality Clause
Health Insurance Portability and Accountability Act (HIPAA)
E-mail feed June 20, 2017

1. The Tribal Council Standards of Conduct Violation of Standard of Conduct. Section 2.

Policy, Council Members shall maintain the highest standards of honesty, integrity, fairness, and impartiality in their conduct as Council Members, and shall avoid any action which would adversely reflect on the Tribal Council or the Tribe. Council Members shall take action in the best interests of the Tribe and the Tribal Membership, not in their personal interest and not serve special interests inside or outside of the Tribe. Although Council Members are elected to represent the five constituent bands, Council Members are expected to act in the best interest of the Tribe as a whole, and to represent the interests of all the Bands equitably. Council Members shall carry out their duties and responsibilities in the highest ethical manner, Violation of this Ordinance may constitute “neglect of duty” or “willful misconduct” as those terms are used in Article XII, Section 2 of the Constitution. The Respondent violated Tribal Law by continually harassing Tribal Council Members via electronic mail, thus violating Tribal Law. The Defendant was given a verbal warning regarding her conduct. During a closed session it was agreed upon that this Tribal Council would be a three-strike council to give each member the opportunity to rectify their behavior.

2. The Tribal Council Standards of Conduct Section 5. Prohibition on Improper Conduct (B)

Unauthorized participation or involvement in Executive Branch Administration and operations, including, but not limited to, business, employment, and personnel decisions. The Respondent tried to involve herself in a day to day operation of the administration of an employee, who was also a Tribal Council Member allowing a “friend” to drive the GSA

Vehicles. When asked for her to have the complaint put in writing by the Tribal Member, she refused and stated retaliation was possible. The Respondent involved Tribal Administrator in the email feed. Tribal Administrator discussed with Human Resources Manager the issues. Due to it being an employee reprimand Tribal Council is not privy to the day to day employment infractions and continues to state that Tribal Council failed to act upon the hearsay of a Tribal Member that would not come fourth with a detail of the accusation made. The Respondent knowingly violated Tribal Law.

3. The Tribal Council Standards of Conduct Section 5. Prohibition on Improper Conduct (B) Unauthorized participation or involvement in Executive Branch Administration and operations, including, but not limited to, business, employment, and personnel decisions. The Respondent insinuated that Tribal Members, who never came forth and tried to intervene swearing in of a new Tribal Council Member. The Respondent was privy to confidential information and requested that the tribal attorney be involved. The Respondent tried to hinder the swearing in process and deny a band the representation that they voted upon as outlined in The Paiute Indian Tribe of Utah Constitution Article XIV Elections, Section 6. Qualifications for Office. Candidates for membership on the Tribal Council must be duly enrolled member of the Paiute Indian Tribe of Utah who will be twenty-one (21) years of age or older on the date of their election and must be free of any felony convictions prior to running for and holding office as a Council Member. The qualifications of each person nominated by a particular band must be certified by the election board twenty-five (25) days prior to the council election. Also, outlined in the Election Ordinance. If there was an issue the Election Board Chairperson would have not certified the candidate, but instead of explaining that to the Tribal Member, the Respondent adamantly wanted to waste tribal

resources by involving the tribal attorney. The Respondent knowing the process and insisting on infringing a bands rights, knowingly violated Tribal Law.

4. The Tribal Council Standards of Conduct. Section 4 Ethical Obligation (H) Council member shall maintain a workplace free of discrimination, harassment, violence and intimidation, and that is drug-free, as required by law. Tribal government officials, including Council Members, shall not tolerate any form of threatening or abusive behavior under the Tribe's zero-tolerance policy. The Respondent continued to harass the Tribal Chairperson, when she asked the Defendant to stop, the Respondent continued to make false statements regarding the Tribal Chairperson's previous employment, the Respondent's involvement in the Drug Elimination Programs, and the termination of the Respondent at her previous place of employment. The Respondent continues to violate Tribal Law.
5. Section 4. Ethical Obligations, (G) Council Member shall not knowingly make public any confidential information received in connection with one's duties as a Council Member, including but not limited to: (1) Matters discussed during Tribal Council closed or executive session. (3) Information given to a tribal official or employee with the reasonable expectation that such information would be kept confidential. The Confidentiality Agreement, which has a section regarding the Health Insurance Portability and Accountability Act (HIPAA) was violated by the Respondent. On June 22, 2017 the Respondent e-mailed the entire Tribal Council, Tribal Administration, and the attorney regarding a Tribal Member that needed services and lived out of the service area. The Respondent used an unsecure network to transfer private patient information and provided patient information that was unnecessary and violated the Tribal Members rights. The Respondent knowingly violated Federal and Tribal Law.

SECOND CAUSE OF ACTION
Willful Misconduct
Neglect of Duty
Tribal Council Standards of Conduct
Confidentiality Clause
October 23, 2017 Letter

1. Section 4. Ethical Obligations, (G) Council Member shall not knowingly make public any confidential information received in connection with one's duties as a council member, including but not limited to: (1) Matters discussed during Tribal Council closed or executive session. (3) Information given to a tribal official or employee with the reasonable expectation that such information would be kept confidential. Defendant Section 4. Ethical Obligation. (H) Council Members shall maintain a workplace free of discrimination, harassment, violence, and intimidation, and that is drug-free, as required by law. Tribal government officials, including Council Members, shall not tolerate any form of threatening or abusive behavior under the Tribe's Zero-Tolerance Policy.
2. The Respondent knew that the Tribe had needed minutes from when she was in office to help complete the audit but refused to provide minutes for months.
3. The Respondent lost the Restoration Box with complete history from Larry Echo Hawk and Mary Ellen Sloan.
4. The Respondent went into the office of an employee and harassed the employee that was helping file during her administration. The information was only discussed in closed sessions. The Respondent was given a written warning that was entered into her Tribal Council file. The Respondent knowingly violated Tribal Law.

THIRD CAUSE OF ACTION
Willful Misconduct
Tribal Council Standards of Conduct
Confidentiality Clause
Spring of 2018

1. Section 4. Ethical Obligations, (G) Council Member shall not knowingly make public any confidential information received in connection with one's duties as a Council Member, including but not limited to: (1) Matters discussed during Tribal Council closed or executive session.
 2. A Tribal Member brought forth charges that the Respondent was discussing the Tribal Chairperson Salary. The Tribal Council Chairperson Salary, although not a secret, but was being further defined in an extensive policy. The Respondent discussed during a band meeting the matter while it was still being discussed in closed session by doing this the Respondent violated Tribal Law.
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FOURTH CAUSE OF ACTION
Willful Misconduct
Tribal Council Standards of Conduct
Utah State Law
January 16, 2019 Text Messages
January 18, 2019 Letter
March 7, 2019 Letter
Kanosh Band Minutes

1. Tribal Council Standards of Conduct, Section 6. Procedure to Investigate Tribal Council Member. (B) Allegations of unethical or improper conduct as defined in this Ordinance by a Council Member shall be presented to Tribal Council and processed in the following manner:
(1) Allegations of unethical or improper conduct against a Council Member shall only be made in writing and submitted to the Chairperson, provided that if an allegation is made

against the Tribal Chairperson, said allegation shall be filed with the Vice-Chairperson.

Submission to the Council Secretary shall be construed as delivery to the appropriate Council Member. (a) A written complaint may be submitted by any Council Member, Tribal Member, or Tribal Employee who believes that a Tribal Member has engaged in unethical or improper conduct as defined by this Ordinance. The complaint shall specify the Council Member against whom a complaint is being made, and the conduct that is alleged to be unethical or improper.

2. The Respondent, knowing Tribal Law, did not follow proper protocol or procedure. The Respondent texted three Council Members (a quorum of the tribal council) allegations and turned defensive once it was pointed out that the document that the Respondent obtained was illegally distributed.
3. Section 5. Prohibition on Improper Conduct. (I) Any other acts prohibited by Tribal, Federal, or State Law.
4. The Respondent distributed confidential information that was illegally given to the Respondent. It had confidential information and infringed on the rights of the employee of an organization that is not a department or subsidiary of the Paiute Indian Tribe of Utah. Information obtained is privileged and confidential under Utah State Law and violated personnel policies and procedures.
5. Section 5. Prohibition on Improper Conduct. (3) If the Tribal Council, upon completion of the initial review, determines that the allegation falls within the scope of this Ordinance and alleges facts which, if true, might support a determination of unethical or improper conduct, the Tribal Council by majority vote of a quorum, may refer the allegation for investigation.

The Tribal Council's determination that an allegation requires further investigation may be made in closed or executive session.

6. The current investigation is at a standstill because the Respondent refuses to be interviewed by the investigator regarding the allegations of obtaining confidential and privileged information as defined by the State of Utah Law and Tribal Law.
7. The Tribal Council Standards of Conduct Violation of Standard of Conduct. Section 2. Policy, Council Members shall maintain the highest standards of honesty, integrity, fairness, and impartiality in their conduct as Council Members, and shall avoid any action which would adversely reflect on the Tribal Council or the Tribe. Council members shall take action in the best interests of the Tribe and the Tribal Membership, not in their personal interest and not serve special interests inside or outside of the Tribe. Although Council Members are elected to represent the five constituent bands, Council Members are expected to act in the best interest of the Tribe as a whole, and to represent the interests of all the Bands equitably. Council Members shall carry out their duties and responsibilities in the highest ethical manner, Violation of this Ordinance may constitute "neglect of duty" or "willful misconduct" as those terms are used in Article XII, Section 2 of the Constitution.
8. The Respondent violated Tribal Law by not providing factual information regarding her text message to three Tribal Council Members and initiating a discussion with Band Members to start an investigation on the Tribal Chairperson. Willful misconduct, neglect of duty, is a direct violation of Tribal Law.

FIFTH CAUSE OF ACTION
Tribal Council Standards of Conduct
The Paiute Indian Tribe of Utah Constitution
Election Ordinance
January 17, 2019 Meeting

January 23, 2019 Letter
Memorandum of Motion

1. The Respondent violated the Tribal Council Standards of Conduct, Section 5 “Prohibition on Improper Conduct,” when Respondent, with the help of outside legal counsel approved by motion to refrain from taking any action regarding band elections if a band so requests and that band has by-laws in place with provisions about how to fill a vacancy.
2. The Memorandum of Motion, Letter, and the Respondent’s actions related to that action directly violated the Paiute Indian Tribe of Utah Constitution, Article XXII – Recall, Removal, and Forfeiture, Section 3, which provides for a specific procedure to fill a vacancy created by forfeiture, and Article VIII, Section 3, which provides that the band councils “shall take no action which is inconsistent with the constitution, or ordinances or resolutions of the tribe.” The motion made to supersede the Election Ordinance, which outlines the process to fill a Tribal Council vacancy, violated the Constitution and therefore the Tribal Council Standards of Conduct’s prohibition of “Violating the Tribe’s laws’ and Ordinances, resolutions, rules, regulations, or policies. “ *Id.* at § 5(H).

SIXTH CAUSE OF ACTION
Tribal Council Standards of Conduct
The Paiute Indian Tribe of Utah Restoration Act
The Paiute Indian Tribe of Utah Constitution
March 11, 2019 Meeting
Background Checks for Tribal Council Members Resolution

1. Respondent violated the Tribal Council Standards of Conduct Section 5(H) prohibition of “Violating the Tribe’s laws’ and Ordinances, resolutions, rules, regulations, or policies” by inserting the phrase in the resolution entitled “Background Checks for Tribal Members” that “federally-recognized status of the five Bands of the Paiute Indians in Utah was restored or

reaffirmed on April 3, 1980...” This statement is misleading and does not represent the views of the United States of America, which recognizes the Tribe as the federally recognized entity in the Paiute Indian Tribe of Utah Restoration Act and not the bands. Further, the Tribe is listed in the Federal Register of the Department of the Interior Bureau of Indian Affairs, Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, 83 FR 435. The Respondent knowingly allowed outside legal counsel to write a resolution that diminishes the tribe’s authority, which is in violation of Tribal Law.

2. The Respondent violated the Tribal Council Standards of Conduct Section 4(G) (“Council Members shall not knowingly make public any confidential information received in connection with one’s duties as a Council Member, including but not limited to . . . (3) Information given to a tribal official or employee with the reasonable expectation that such information would be kept confidential”) when the Respondent knowingly provided outside legal counsel privilege and confidential information regarding background checks. The legal counsel acknowledged that he received copies of privilege and confidential information from the Respondent during the March 11, 2019 Open Meeting.
3. The Respondent violated the Tribal Council Standards of Conduct Section 5(H)(“ Violating the Tribe’s laws’, Ordinances, resolutions, rules, regulations or policies”). The Respondent knew that The Paiute Indian Tribe of Utah Constitution, Article XIV Elections, Section 6 and Section 12 of the Election Ordinance provides for certifications of candidates for office by a Tribal election board. The Respondent knowingly misleads and broke Tribal Law by allowing a resolution to state: “BE IT FURTHER RESOLVED: that any resolutions of the council to the contrary are hereby superseded.”

SEVENTH CAUSE OF ACTION
Tribal Council Standards of Conduct
The Paiute Indian Tribe of Utah Restoration Act
The Paiute Indian Tribe of Utah Constitution
March 11, 2019 Meeting
Amendment of Legal Counsel Engagement and Directive

1. Respondent violated the Tribal Council Standards of Conduct Section 5(H) prohibition of “Violating the Tribe’s laws’ and Ordinances, resolutions, rules, regulations, or policies” by inserting the phrase in the resolution entitled “Amendment of Legal Counsel Engagement and Directive” that “federally-recognized status of the five Bands of the Paiute Indians in Utah was restored or reaffirmed on April 3, 1980...” This statement is misleading and does not represent the views of the United States of America, which recognizes the Tribe as the federally recognized entity in the Paiute Indian Tribe of Utah Restoration Act and not the bands. Further, the Tribe is listed in the Federal Register of the Department of the Interior Bureau of Indian Affairs, Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, 83 FR 435. The Respondent knowingly allowed outside legal counsel to write a resolution that diminishes the tribe’s authority, which is in violation of Tribal Law.
2. Respondent violated the Tribal Council Standards of Conduct Section 4(G) (“Council Member shall not knowingly make public any confidential information received in connection with one’s duties as a Council Member, including but not limited to: (3) Information given to a tribal official or employee with the reasonable expectation that such information would be kept confidential.”) when the Respondent knowingly provided outside legal counsel privileged and confidential information regarding discussions that took place in

closed/executive sessions and emails from the Tribes' legal counsel. By having outside legal counsel write Resolution Amendment of Legal Counsel Engagement and Directive Process. The process into itself is questionable, due to the fact that this document is amending a document that doesn't exist. Prior legal counsel and tribal council wrote how to contact the Tribe's legal counsel to keep cost down, but it was not dated or signed, and the validity of the document is questionable and was written for that specific attorney.

3. Respondent violated the Tribal Council Standards of Conduct Section 4(H) ("Council Member shall maintain a workplace free of discrimination, harassment, violence, and intimidation, and that is drug-free, as required by law. Tribal Government officials, including Council Members, shall not tolerate any form of threatening or abusive behavior under the Tribe's Zero-Tolerance Policy. ") The resolution entitled "Amendment of Legal Counsel Engagement and Directive" states: "WHERE AS: It has come to the attention of Tribal Council Members that the Chairperson has directed legal counsel for the Tribe contrary to Tribal law and Tribal interests, without authorization of Tribal Council, as required by the Constitution, Tribal Council Rules of Procedure and Tribal Council Standards of Conduct." The Respondent knew the statement was misleading and the Chairperson's conduct does not violate Tribal Law and there are currently no restrictions on how the Tribal Chairperson is allowed to discuss issues with the Tribe's legal counsel. The documents cited have no validity because they do not mention how to contact legal counsel and the statement made can be viewed threatening and intimidating and creates substantial harm to the professional character of the Tribal Chairperson and tribal legal counsel. The Tribal Council is aware of all contact with legal services and does review and approve legal invoices that detail what was discussed and who it was discussed with, every month.

EIGHT CAUSE OF ACTION
Tribal Council Standards of Conduct
The Paiute Indian Tribe of Utah Restoration Act
The Paiute Indian Tribe of Utah Constitution
Tribal Council Rules and Procedure
March 11, 2019 Meeting
Recognition of Complaint and Investigation of Tribal Chairperson

1. Respondent violated the Tribal Council Standards of Conduct Section 5(H) prohibition of “Violating the Tribe’s laws’ and Ordinances, resolutions, rules, regulations, or policies” by inserting the phrase in the resolution entitled “Recognition of Complaint and Investigation of Tribal Chairperson” that “federally-recognized status of the five Bands of the Paiute Indians in Utah was restored or reaffirmed on April 3, 1980...” This statement is misleading and does not represent the views of the United States of America, which recognizes the Tribe as the federally recognized entity in the Paiute Indian Tribe of Utah Restoration Act and not the bands. Further, the Tribe is listed in the Federal Register of the Department of the Interior Bureau of Indian Affairs, Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, 83 FR 435. The Respondent knowingly allowed outside legal counsel to write a resolution that diminishes the tribe’s authority, which is in violation of Tribal Law.
2. Respondent violated the Tribal Council Standards of Conduct Section 6(“Procedure to Investigate Tribal Council Members”) when the Respondent knowingly discarded the Tribal Council Standards of Conduct Section 6 and did not provide the required initial review in an executive session. If an executive session was held without the knowledge of all the Tribal Council members, such meeting knowingly violated Tribal Council Rules and Procedure Section I(4) (“Any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council present consent thereto and

all the members absent file their written consent.”) The Respondent knowingly broke Tribal Law by not following the outlined process, not having an executive meeting, violating tribal law and violating the due process of the Tribal Chairperson.

3. The resolution entitled “Recognition of Complaint and Investigation of Tribal Chairperson” required the Chairperson to disclose all her emails and directed the Tribal IT department “to obtain such correspondence directly from the Chairperson’s computer to ensure that no evidence is spoiled, for immediate distribution to each member of the Tribal Council.” The language cited above are inconsistent with Tribal Council Standards of Conduct and do not follow the process that is outlined and is in direct violation of tribal law.
4. The Paiute Indian Tribe of Utah Constitution Article IV-Tribal Council Section 1(f) provides that “In the event a Council Member is unable to attend a council meeting, the Vice-Chairperson of the affected band may attend, be counted for purposes of forming a quorum and voting, Provided, that the band chairperson has designated in advance in writing that the vice-chairperson is acting as his or her representative at said meeting. This resolution shall not constitute an exception to Article XII- Recall, Removal and Forfeiture as found in this constitution.”
5. The vote that took place violated Tribal Law because each person that voted was a Vice-Chairperson of a band.

NINETH CAUSE OF ACTION
Tribal Council Standards of Conduct
The Paiute Indian Tribe of Utah Restoration Act
The Paiute Indian Tribe of Utah Constitution

March 11, 2019 Meeting

Approval of Written Notice of Removal and Setting of Removal Hearing Under the Constitution
Article XII, Section 2

1. Respondent violated the Tribal Council Standards of Conduct Section 5(H) prohibition of “Violating the Tribe’s laws’ and Ordinances, resolutions, rules, regulations, or policies” by inserting the phrase in the resolution entitled “Recognition of Complaint and Investigation of Tribal Chairperson” that “federally-recognized status of the five Bands of the Paiute Indians in Utah was restored or reaffirmed on April 3, 1980...” This statement is misleading and does not represent the views of the United States of America, which recognizes the Tribe as the federally recognized entity in the Paiute Indian Tribe of Utah Restoration Act and not the bands. Further, the Tribe is listed in the Federal Register of the Department of the Interior Bureau of Indian Affairs, Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, 83 FR 435. The Respondent knowingly allowed outside legal counsel to write a resolution that diminishes the tribe’s authority, which is in violation of Tribal Law.
2. Respondent violated the Tribal Council Standards of Conduct Section 5(H) prohibition of “Violating the Tribe’s laws’ and Ordinances, resolutions, rules, regulations, or policies” by disregarding Tribal Council Standards of Conduct Section 6(“Procedure to Investigate Tribal Council Member”). The Respondent did not follow the process outlined in tribal law. The Respondent is making a mockery of the process and attempted to supersede the Respondents authority by maneuvering an illegal move in a public meeting to diminish the character of the Tribal Chairperson and not affording the Tribal Chairperson their due process, which is a violation of Tribal Law.

TENTH CAUSE OF ACTION
Tribal Council Standards of Conduct
March 11, 2019 Meeting

1. Respondent violated the Tribal Council Standards of Conduct Section 2(“Council Members

shall maintain the highest standards of honesty, integrity, fairness, and impartiality in their conduct as Council Members, and shall avoid any action which would adversely reflect on the Tribal Council or the Tribe. Council members shall take action in the best interests of the Tribe and the Tribal Membership, not in their personal interest and not serve special interests inside or outside of the Tribe. Although Council Members are elected to represent the five constituent bands, Council Members are expected to act in the best interest of the Tribe as a whole, and to represent the interests of all the Bands equitably. Council Members shall carry out their duties and responsibilities in the highest ethical manner. Violation of this Ordinance may constitute “neglect of duty” or “willful misconduct” as those terms are used in Article XII, Section 2 of the Constitution.”)

2. The Respondent made it apparent based on what transpired in the open meeting that they violated Tribal Law by passing illegal resolutions and suspending the chairperson without following the Tribal Council Standards of Conduct.

REQUEST

1. Based on the information provided in an open meeting, the Complainant requests that the Tribal Council not conduct any further investigation and proceed directly to a hearing pursuant to Tribal Council Standards of Conduct Section 6(B)(5)(“ If the Tribal Council does not request an independent investigation, then the Chairperson shall have a hearing date not less than ten and not more than 45 days from the date of the initial review period”).
2. Complainant requests that the hearing conducted by Tribal Council be held in an open meeting as now that precedent has been set.